

Notice of Allowability

Application No.

10/025,137

Examiner

Jehanne S. Sitton

Applicant(s)

LIU ET AL.

Art Unit

1634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 8/22/2005.
2. ☒ The allowed claim(s) is/are 1,4,7,15,23-26,36 and 40-43.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jianming Hao on November 11, 2005.

The application has been amended as follows:

Please cancel claims 27-35.

Please amend the claims as follows.

1. (Currently Amended) A set of nucleic acid molecules comprising:
a first nucleic acid molecule consisting of SEQ ID NO: 1 or SEQ ID NO: 3; and
a second nucleic acid molecule consisting of SEQ ID NO: 2 or SEQ ID NO: 4.
4. (Currently Amended) The set of nucleic acid molecules of claim 1 wherein the first nucleic acid molecule is SEQ ID NO: 1 and the second nucleic acid molecule is SEQ ID NO: 2.
7. (Currently Amended) The set of nucleic acid molecules of claim 1 wherein the first nucleic acid molecule is SEQ ID NO: 3 and the second nucleic acid molecule is SEQ ID NO: 4.
15. (Currently Amended) A nucleic acid molecule selected from the group consisting of SEQ ID NO: 5-8 and the complete complements thereto.

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23. (Currently Amended) The nucleic acid molecule of claim 15 wherein the nucleic acid molecule is SEQ ID NO: 5.

24. (Currently Amended) The nucleic acid molecule of claim 15 wherein the nucleic acid molecule is SEQ ID NO: 6.

25. (Currently Amended) The nucleic acid molecule of claim 15 wherein the nucleic acid molecule is SEQ ID NO: 7.

26. (Currently Amended) The nucleic acid molecule of claim 15 wherein the nucleic acid molecule is SEQ ID NO: 8.

36. (Currently Amended) The set of nucleic acid molecules of claim 1, further comprising a third nucleic acid molecule selected from the group consisting of SEQ ID NOS 5-8 and the complete complements thereto.

40. (Currently Amended) The set of nucleic acid molecules of claim 36, wherein the third nucleic acid molecule is SEQ ID NO: 5.

41. (Currently Amended) The set of nucleic acid molecules of claim 36, wherein the third nucleic acid molecule is SEQ ID NO: 6.

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42. (Currently Amended) The set of nucleic acid molecules of claim 36, wherein the third nucleic acid molecule is SEQ ID NO: 7.

43. (Currently Amended) The set of nucleic acid molecules of claim 36, wherein the third nucleic acid molecule is SEQ ID NO: 8.

2. The following is an examiner's statement of reasons for allowance: The claims are drawn to a set of nucleic acid molecules wherein the set comprises a first nucleic acid molecule consisting of SEQ ID NO: 1 or 3, and a second nucleic acid molecules consisting of SEQ ID NO: 2 or 4. The claims are further drawn to a nucleic acid molecule selected from the group consisting of SEQ ID NOS 5-8 and the complete complements thereto, either alone or in combination with the set of nucleic acid molecules. The claims are allowable over the prior art because the prior art does not teach or suggest constructing a set of nucleic acid molecules with the specific sequences of SEQ ID NOS 1 or 3, and SEQ ID NOS 2 or 4, nor does the art teach or suggest nucleic acid molecules with the specific sequences of SEQ ID NOS 5-8. Additionally, these sequences were used in assays to specifically detect E. coli and differentiate it from other closely related bacteria.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Jehanne Sitton whose telephone number is (571) 272-0752. The examiner can normally be reached Monday-Thursday from 8:00 AM to 5:00 PM and on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Jones, can be reached on (571) 272-0745. The fax phone number for this Group is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to (571) 272-0547.

Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public.

For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199.



Jehanne Sitton
Primary Examiner
Art Unit 1634

11/14/05